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14
15 **UNITED STATES DISTRICT COURT**
16
17 **DISTRICT OF NEVADA**

18 DANIEL E. SIEGGREEN, Individually and On
19 Behalf of All Others Similarly Situated,

20 Plaintiff,

21 v.

22 LIVE VENTURES INCORPORATED, JON
23 ISAAC, and VIRLAND A. JOHNSON,

24 Defendants.

25 Case No.: 2:21-cv-01517-APG-EJY

26 **STIPULATION TO STAY
27 PROCEEDINGS AND SET BRIEFING
SCHEDULE AND
ORDER**

28 **(Second Request)**

29 Pursuant to LR IA 6-1, LR IA 6-2, and LR 7-1, Plaintiff Daniel E. Sieggreen
30 (“Sieggreen”) and Defendants Live Ventures Incorporated, Jon Isaac, and Virland A. Johnson
31 (collectively, “Defendants”), by and through their respective counsel, hereby agree and stipulate,
32 subject to this Court’s approval, to stay the above-captioned matter pending the outcome of
33 pending motions to dismiss in a related matter as set forth herein, to set a subsequent briefing
34 schedule for Sieggreen to file an Amended Complaint, and for Defendants to respond to such an
35 amended pleading. This is the second request for an extension of time by the parties to set a
36 briefing schedule relating to the service of an amended pleading and a response to such an
37 amended pleading. The parties’ request is based on the following:

1 WHEREAS, on August 13, 2021, Sieggreen filed the Complaint in the above-captioned
2 action against the Defendants;

3 WHEREAS, on August 26, 2021, Sieggreen effectuated service on Defendant Live
4 Ventures Incorporated in the above-captioned action;

5 WHEREAS, the remaining Defendants waived service in the above-captioned matter,
6 which waivers were filed with the Court on September 17, 2021;

7 WHEREAS, the Complaint asserts claims under the federal securities laws that are
8 subject to the Private Securities Litigation Reform Act of 1995 (“PSLRA”), which sets forth
9 specialized procedures for the administration of securities class actions, including a specific
10 process for the appointment of a lead plaintiff and lead counsel to represent the putative class;

11 WHEREAS, on September 17, 2021, the Court entered an order on the parties’
12 stipulation setting a schedule for filing of an amended complaint and for the Defendants to
13 respond to such an amended complaint following the Court’s entry of an order appointing a lead
14 plaintiff and lead counsel (ECF 11);

15 WHEREAS, on October 12, 2021, Sieggreen filed his Motion for Appointment as Lead
16 Plaintiff and Approval of Counsel (ECF 14);

17 WHEREAS, on October 27, 2021, the Court entered an order granting Sieggreen’s
18 Motion for Appointment as Lead Plaintiff and Approval of Counsel (ECF 17);

19 WHEREAS, pursuant to the Court’s prior scheduling order (ECF 11), Sieggreen has until
20 December 27, 2021 to file an Amended Complaint or to otherwise identify the operative
21 complaint in this matter;

22 WHEREAS, on August 2, 2021, prior to the filing of the Complaint in the above-
23 captioned matter, the Securities and Exchange Commission (“SEC”) filed a complaint in
24 *Securities Exchange Commission v. Live Ventures Incorporated, et al.*, Case No. 2:21-cv-01433-
25 JCM-VCF (the “SEC Action”), which addresses issues that relate to the issues giving rise to the
26 dispute in this matter;

1 WHEREAS, Live Ventures Incorporated and the other defendants named in the SEC
2 Action filed motions to dismiss the SEC's Complaint in the SEC Action on October 1, 2021 (the
3 "SEC Motions to Dismiss"), which motions were fully briefed as of November 15, 2021;

4 WHEREAS, the decisions on the SEC Motions to Dismiss may inform the proceedings in
5 the above-captioned matter due to the related issues in dispute in the two lawsuits;

6 WHEREAS, the Parties agree that in the interests of judicial economy, conservation of
7 time and resources, and the orderly management of this action, Sieggreen should not be required
8 to file an Amended Complaint or to designate an operative pleading until after the resolution of
9 the SEC Motions to Dismiss and that a subsequent briefing schedule shall be imposed as agreed
10 and set forth herein.

11 NOW, THEREFORE, the Parties stipulate and agree, subject to the Court's approval,
12 that:

13 1. The above-captioned matter shall be stayed and that no further action shall be
14 taken thereon until after the decisions are entered on the pending SEC Motions to Dismiss
15 currently pending in the SEC Action.

16 2. Within one (1) business day of the Court's entry of an order resolving the pending
17 SEC Motions to Dismiss in the SEC Action, Defendants shall file a notice with this Court of
18 entry of such an order.

19 3. Sieggreen shall have until thirty (30) days after service of the Court's ruling in the
20 SEC Action to file an Amended Complaint or to otherwise identify the operative complaint in
21 this matter.

22 4. Defendants shall have until sixty (60) days after service of the Amended
23 Complaint or designation of the operative complaint to file a motion to dismiss or other
24 responsive pleading.

25 5. If Defendants file a motion to dismiss the operative complaint, Sieggreen shall
26 have until forty-five (45) days after service of the motion to dismiss to file his response and/or
27 opposition to such motion.

1 6. Defendants shall have until thirty (30) days after service of Sieggreen's response
2 and/or opposition to the motion to dismiss to file their reply brief in support of any such motion
3 they file in response to the operative complaint.

4 **IT IS SO STIPULATED.**

5 DATED this 14th day of December, 2021.

6 By: /s/ Christopher R. Miltenberger

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14 *Attorneys for Live Ventures Incorporated,
15 Jon Isaac, and Virland A. Johnson*

16 DATED this 14th day of December, 2021.

17 By: /s/ Charles Linehan

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28 *Attorneys for Lead Plaintiff Daniel E.
29 Sieggreen*

30 **IT IS SO ORDERED:**



31 **UNITED STATES DISTRICT JUDGE**

32 Dated: December 17, 2021